

# **EXHIBIT F**

## **Highly Confidential - AEO**



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**CONTAINS INFORMATION DESIGNATED BY ACS AS HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY**

February 18, 2022

VIA EMAIL

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**Re: ACS' Deficient Discovery Responses**  
***Advanced Cluster Systems, Inc. v. NVIDIA Corporation, 1:19-cv-02032-CFC (DDE)***

Counsel,

I write regarding ACS' February 7, 2022 letter in which ACS appears to refuse to produce relevant, responsive documents. This letter also does not identify every deficiency with ACS' response or production and NVIDIA reserves the right to identify additional deficiencies.

As explained in NVIDIA's 13-page November 9, 2021 letter, ACS' production included multiple references to Math Grid Toolkit ("MGT")—including Dean Dager's extensive work on MGT,<sup>1</sup> but there were no documents concerning MGT. Indeed, MGT relates to the development of the purported invention embodied by the sole remaining patent-in-suit, and the development of SEM, as stated in the Declaration of Dean Dager:

21. Mr. Tannenbaum was the President and CEO of ACS. At the time, ACS was working on a way to provide customers with Internet-based access to its cluster. First, ACS was developing a Math Grid Toolkit ("MGT") that would provide customers with Internet-

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<sup>1</sup> See, e.g., ACS\_NVIDIA\_001610 (Zvi Tannenbaum asking for a conference call with Dean Dager, Bryan Minor, and Tamas Frajka); see also, e.g., ACS\_NVIDIA\_001751; ACS\_NVIDIA\_001782; ACS\_NVIDIA\_005843.



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based access to instances of gridMathematica running on ACS's cluster. Second, ACS was investigating whether it could make its cluster available to its customers to run their own parallel applications on the cluster, while the cluster was not otherwise busy. ACS purchased a license to the then-current version of Pooch, Pooch Pro, from Dauger Research to allow ACS's customers to access the cluster over the Internet, initialize the cluster with their own parallel applications, and then run their applications over the cluster. ***ACS retained Dauger Research to help integrate Pooch Pro into the ACS cluster and to help with the MGT product.***

22. Through the course of my work for ACS, ***Mr. Tannenbaum and I realized certain limitations of the MGT product*** due to the underlying gridMathematica program.

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23. In view of these shortcomings, ***Mr. Tannenbaum and I began to explore ways to improve MGT*** by adding the peer-to-peer and collective internode communication needed to optimize parallel computation of Mathematica on a cluster. Over time our collaboration determined that we could do so using a new cluster-computing architecture.

Declaration of Dean Dauger, IPR2021-00019-2027, at ¶¶ 21–23 (Feb. 9, 2021) (emphasis added). As a result, the following categories of documents are highly relevant and directly responsive to one or more of NVIDIA's requests for production:

Category of Documents	Responsive RFP(s)
Source code, executable code, and documents relating to the software described in U.S. Patent No. 7,136,924, AU Patent Pub. No. 2003/228,547, EP Patent Pub. No. 1497727, WO2003090079, and U.S. Patent No. 7,472,193 including, without limitation, Pooch, CNCI and all third-party software operable with such software	5, 6, 8, 9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents and source code related to U.S. Provisional Patent Application No. 60/720,442	5, 6, 8, 9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents and source code related to WO2007/038445	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents and source code related to U.S. Patent No. 8,402,080	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents and source code related to U.S. Patent No. 8,849,889	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents related to the decision to name Ariela Tannenbaum as an inventor on U.S. Provisional Patent Application No. 60/720,442, WO2007/038445, U.S. Patent No. 8,402,080, and U.S. Patent No. 8,849,889	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87



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Category of Documents	Responsive RFP(s)
All documents related to the decision to name Bryan M Minor as an inventor on U.S. Provisional Patent Application No. 60/720,442, WO2007/038445, U.S. Patent No. 8,402,080, and U.S. Patent No. 8,849,889	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents related to the decision to name Tamas Frajka, as an inventor on U.S. Provisional Patent Application No. 60/720,442, WO2007/038445, U.S. Patent No. 8,402,080, and U.S. Patent No. 8,849,889	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents related to the decision to name John M. Westerhoff as an inventor on U.S. Provisional Patent Application No. 60/720,442, WO2007/038445, U.S. Patent No. 8,402,080, and U.S. Patent No. 8,849,889	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents related to the decision to change the inventorship on U.S. Provisional Patent Application No. 60/720,442, WO2007/038445, U.S. Patent No. 8,402,080, and U.S. Patent No. 8,849,889 to add Dean Dager	9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
Source code, executable code, and documents related to Math Grid Toolkit	5, 6, 8, 9, 10, 18, 20, 34, 36–39, 69, 77, 86–87
All documents relating to “MGT-Pooch”	5, 6, 8, 9, 10, 18, 20, 34, 36–39, 69, 77, 86–87

Please confirm ACS will be producing these documents. While these documents are undoubtedly covered by already served RFPs and already should have been produced, for avoidance of doubt, we have served an additional RFP for this information.

Sincerely,

Carrie Williamson